

Message Text

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TO USDEL SECRETARY IMMEDIATE

S E C R E T STATE 301680 TOSEC 320217

NODIS

EO. 11652: GDS

TAGS: PFOR, EG, IS, OVIP (KISSINGER, HENRY A.)

SUBJECT: ACTION MEMORANDUM - SADAT'S LETTER TO PRESIDENT
FORD REGARDING ISRAELI OIL EXPLORATION IN THE GULF OF SUEZ
(S/S NO.7625372)

FOR THE SECRETARY FROM ATHERTON AND LEIGH

, THE PROBLEM.

SADAT HAS WRITTEN TO THE PRESIDENT (ATT. 2) EXPRESSING DEEP
CONCERN ABOUT ISRAEL'S EXPANDING OIL EXPLORATION ACTIVITIES
IN THE GULF OF SUEZ AND CALLING ON HIM TO BRING PRESSURE TO
BEAR ON ISRAEL TO CEASE THESE ACTIVITIES. WE MUST DECIDE
HOW TO RESPOND TO SADAT AND HOW TO DEAL WITH THE ISRAELIS
ON THIS SUBJECT.

2. BACKGROUND/ANALYSIS.

AS YOU KNOW, THE PROBLEM BETWEEN EGYPT AND ISRAEL OVER OIL
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HAS TWO CLOSELY RELATED ASPECTS. THE ASPECT RAISED BY
SADAT'S LETTER TO THE PRESIDENT, THAT OF ISRAEL'S OWN OIL

EXPLORATION IN THE GULF, IS CONSIDERABLY STICKIER AND
POTENTIALLY MORE DISRUPTIVE THAN THE OTHER ASPECT --

AMOCO'S DRILLING PROBLEM. WHILE WE HAVE EXPRESSED OUR DISAGREEMENT WITH ISRAEL'S EXPLORATION ACTIVITIES FROM TIME TO TIME, WE HAVE NOT JOINED THE ISSUE HEAD-ON WITH THE ISRAELIS, PRINCIPALLY OUT OF RECOGNITION OF THE ENORMITY OF THE PRESSURE THAT WOULD HAVE TO BE APPLIED IF THERE WERE TO BE ANY REALISTIC PROSPECT OF GETTING THEM TO STOP.

OUR MOST RECENT APPROACH ON THE POLITICAL LEVEL WAS A DEMARCHE ATHERTON MADE ON YOUR INSTRUCTIONS TO ISRAELI DCM BAR-ON ON JUNE 2. AT THAT TIME, ATHERTON TOLD HIM THAT WE CONSIDERED ISRAELI EXPLORATION ACTIVITY IN THE OCCUPIED TERRITORIES TO BE CONTRARY TO INTERNATIONAL LAW AND THAT THIS ACTIVITY WAS A SERIOUS COMPLICATION TO PEACE NEGOTIATIONS. ATHERTON NOTED THAT WE MIGHT FIND IT NECESSARY TO MAKE PUBLIC BOTH OUR LEGAL AND OUR POLITICAL OBJECTIONS. ATHERTON ADDED THAT WE WOULD PROBABLY HAVE TO SUPPORT AN EGYPTIAN CLAIM FOR COMPENSATION FOR OIL EXTRACTION RESULTING FROM NEW ISRAELI WELLS IN THE OCCUPIED TERRITORIES AND THAT WE WOULD HAVE TO LOOK AT LEGAL STEPS TO PREVENT PARTICIPATION BY AMERICAN FIRMS IN SUCH ACTIVITIES. FINALLY, ATHERTON SAID THAT WE MIGHT HAVE TO CONSIDER REDUCING OUR FINANCIAL ASSISTANCE BY AN AMOUNT EQUIVALENT TO MONEY SPENT BY ISRAEL ON EXPLORATION AND THE VALUE OF NEW OIL EXTRACTED FROM THE OCCUPIED TERRITORIES. BAR-ON DID NOT RESPOND SUBSTANTIVELY BUT PROMISED TO CONVEY OUR VIEWS TO JERUSALEM. NO DIRECT ISRAELI RESPONSE HAS EVER BEEN CONVEYED TO US.

LAST JULY, MONROE LEIGH MET WITH THE ISRAELI FOREIGN MINISTRY'S LEGAL ADVISER AND REVIEWED WITH HIM THE LEGAL BASIS OF OUR POSITION. MR. ROSENNE REQUESTED OUR LEGAL OPINION IN WRITING, AND WE AGREED TO PROVIDE IT. HOWEVER, ALTHOUGH IT WAS PREPARED IN CONJUNCTION WITH THAT MEETING, IT HAS NOT YET BEEN DELIVERED TO THE ISRAELIS. OUR LONG-STANDING RETICENCE ABOUT BEARING DOWN ON THIS SUBJECT OR
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EVEN DELIVERING THE PROMISED LEGAL MEMO MAY HAVE CREATED THE IMPRESSION THAT WE ARE UNSURE OF OUR LEGAL POSITION. RABIN MAY HAVE BEEN REFLECTING THIS MISAPPREHENSION WHEN, IN REPLYING TO A QUESTION ABOUT WHY ISRAEL WAS NOT ITSELF DOING MORE DRILLING ON ITS SIDE OF THE GULF, HE STATED TO HA'ARETZ ON OCTOBER 8, "NO ONE INTERFERES WITH OUR DOING WHATEVER WE SEE FIT IN THE AREAS UNDER OUR CONTROL UP TO THE MEDIAN LINE. THEREFORE, THIS IS NOT A SUBJECT FOR POLITICAL DEBATE." PRESUMABLY, "NO ONE" INCLUDED, IN HIS MIND, THE UNITED STATES.

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SINCE NOVEMBER 1975, WE HAVE RESPONDED TO QUERIES FROM A NUMBER OF AMERICAN FIRMS THAT WERE CONSIDERING PARTICIPAT-

ING IN ISRAELI EXPLORATION BY SAYING THAT WE CONSIDERED SUCH ACTIVITIES TO BE CONTRARY TO INTERNATIONAL LAW AND DETRIMENTAL TO THE PROSPECTS FOR PEACE IN THE AREA. WE HAVE REASON TO BELIEVE THAT SOME OF THESE FIRMS HAVE BEEN DETERRED FROM INVOLVEMENT BY KNOWLEDGE OF OUR OPPOSITION AND THAT THOSE ALREADY INVOLVED ARE HAVING DIFFICULTY ATTRACTING FINANCIAL BACKING.

NONETHELESS, WHILE THE EXTENT OF ISRAELI EXPLORATION ACTIVITIES IS STILL RELATIVELY MODEST, THEIR PLANS FOR FUTURE EXPLORATION ARE RATHER AMBITIOUS. A DRY HOLWE WAS RECENTLY SLANT-DRILLED INTO THE SEABED FROM AN ONSHORE SITE AT AT-TUR, AND A SECOND HOLE IS NOW BEING DRILLED THERE. SADAT'S LETTER WAS TRIGGERED BY ISRAEL'S POSITIONING A RIG JUST EAST OF THE RAMADAN FIELD IN APPARENT PREPARATION FOR DRILLING. AN AMERICAN CONSORTIUM HAS FIVE CONCESSION AREAS, LOCATED NOT ONLY IN THE GULF, WHERE THE MAJOR PROSPECTS LIE, BUT ON THE SINAI MAINLAND AND OFFSHORE IN THE MEDITERRANEAN AS WELL. ISRAELI SEISMIC WORK IS CURRENTLY GOING ON IN NORTHERN SINAI ONSHORE AND OFFSHORE NEAR AL-ARISH. PLANS CALL FOR THREE TO FOUR WELLS TO BE DRILLED THERE OVER THE NEXT YEAR AT A TOTAL COST OF NEARLY \$20 MILLION.

THE RELATED ISSUE OF AMOCO'S DRILLING EAST OF THE "MEDIAN LINE" IS CURRENTLY STALEMATED. IN MID-OCTOBER, WE PASSED TO EGYPT FOR ITS CONSIDERATION AN INTERIM FOUR-POINT UNDER-SECRET

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STANDING WORKED OUT BETWEEN US AND THE ISRAELIS. THAT UNDERSTANDING ENTAILS, YOU WILL RECALL, AN ISRAELI COMMITMENT TO PERMIT AMOCO TO DRILL UNCHALLENGED AT ONE SITE JUST EAST OF THE "MEDIAN LINE," AND TO ISRAEL'S NOT DRILLING IN THE RAMADAN FIELD, IN EXCHANGE FOR EGYPT'S ACQUIESCENCE (THE ISRAELIS MAY WANT ACTIVE AGREEMENT, WHICH THE EGYPTIANS ARE UNLIKELY TO GRANT) IN AMOCO'S AGREEING THAT FURTHER DRILLING EAST OF THE MEDIAN LINE WILL BE SUBJECT TO DISCUSSIONS "BETWEEN THE THREE PARTIES." WHILE SADAT INITIALLY SEEMED FAVORABLY INCLINED TOWARDS THE PLAN, FAHMY HAS MORE RECENTLY TOLD EILTS HE CONSIDERED THE PLAN UNACCEPTABLE AND PRESENTED AS AN ALTERNATIVE HIS OWN THREE-POINT PLAN.- FAHMY'S COUNTER-PROPOSAL IS MERELY A RESTATEMENT OF THE STANDARD EGYPTIAN POSITION WHICH WOULD CONTRIBUTE NOTHING TOWARDS RESOLUTION OF THE IMPASSE. WE ARE DRAFTING A RESPONSE FOR YOUR CONSIDERATION.

3. COURSES OF ACTION.

SADAT'S LETTER REMINDS US OF THE IMPORTANCE OF OUR TAKING MEASURES TO DETER OR IMPEDE FURTHER ISRAELI EXPLORATION ACTIVITIES. ALTHOUGH SADAT HAS SHOWN GREAT PATIENCE AND REALISM, HE IS UNDOUBTEDLY GREATLY CONCERNED THAT MAJOR

ISRAELI FINDS IN OCCUPIED EGYPTIAN TERRITORY WOULD MAKE EARLY ISRAELI WITHDRAWAL LESS LIKELY AND DEPRIVE EGYPT IN THE IMMEDIATE FUTURE OF IMPORTANT RESOURCES FOR VITAL ECONOMIC DEVELOPMENT. THE ISRAELI DRILLING, MOREOVER, CAN HARDLY IMPROVE THE CLIMATE FOR NEGOTIATIONS.

TO RETAIN OUR CREDIBILITY WITH SADAT, I BELIEVE THE PRESIDENT SHOULD BE ABLE TO TELL HIM THAT WE WILL TAKE UP THE PROBLEM AT A HIGH LEVEL WITH ISRAEL AND THEREBY TO IMPLY THAT WE ARE PREPARED TO TAKE MEASURES TO PUT TEETH INTO OUR EXPRESSIONS OF OPPOSITION, WHILE BEING REALISTIC ABOUT THE PROSPECTS FOR SUCCESS. A DRAFT LETTER TO THIS EFFECT FOR THE PRESIDENT'S SIGNATURE IS ATTACHED.

WHETHER OR NOT YOU APPROVE SUCH AN UNDERTAKING TO SADAT, WE SHOULD DECIDE HOW FAR WE SHOULD GO TOWARDS TRYING TO PRESS ISRAEL TO HALT ITS SEARCH FOR OIL IN OCCUPIED EGYPTIAN TERRITORY. WE BELIEVE YOU SHOULD PERSONALLY
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TAKE UP THE ISSUE WITH DINITZ. WE ALSO BELIEVE WE SHOULD TRANSMIT OUR LEGAL MEMORANDUM TO THE ISRAELIS. THE ISRAELIS HAD REASON TO EXPECT TO RECEIVE IT IN THE EARLY AUTUMN, ARE AWARE OF THE GENERAL LINES OF OUR POSITION IN ANY CASE, AND ITS TRANSMITTAL NO LONGER RISKS COMPLICATING OUR EFFORTS WITH THE ISRAELIS ON AMOCO'S BEHALF, WHICH HAVE PROBABLY BEEN CARRIED AS FAR AS THEY CAN BE BY THIS ADMINISTRATION. THE SUBSTANTIAL DELAY IN OUR SENDING IT (BECAUSE OF THE NEGOTIATIONS CONCERNING AMOCO'S DRILLING) HAS PROBABLY STRENGTHENED THEIR CONFIDENCE IN THEIR CONTRARY LEGAL POSITION, PARTICULARLY IN LIGHT OF THE PUBLICITY GIVEN TO THE LEAKED ISRAELI MEMORANDUM. IN FACT, OUR LEGAL POSITION IS CONSIDERABLY STRONGER THAN THE ISRAELIS'.

4. THE OPTIONS.

OPTION ONE.

PREDICATED ON THE BELIEF THAT LITTLE CAN BE ACHIEVED BY MAKING THIS A MAJOR ISSUE WITH ISRAEL DURING THE TRANSITION PERIOD, AND THAT ANY DEMARCHE WOULD BE PRINCIPALLY FOR THE RECORD, YOU WOULD CALL IN DINITZ TO GIVE HIM OUR LEGAL MEMO AND RESTATE OUR OPPOSITION TO ISRAEL'S EXPLORATION

ACTIVITIES. HAVE EILTS, IN TRANSMITTING THE PRESIDENT'S LETTER, EMPHASIZE TO SADAT OUR BELIEF THAT OUR "BIG GUNS" OUGHT TO BE RESERVED FOR THE OVERALL NEGOTIATIONS, NOT DISSIPATED ON SIDE ISSUES, HOWEVER IMPORTANT. CONTINUE TO INFORM AMERICAN FIRMS OF OUR LEGAL POSITION ON THE EXPLOITATION OF OIL RESOURCES BY ISRAEL IN THE OCCUPIED AREAS, AND HAVE NEA MAKE DIRECT CONTACT WITH MONCRIEF,

THE PRINCIPAL AMERICAN FIRM PARTICIPATING IN ISRAELI EXPLORATION ACTIVITIES, TO INFORM IT OF THE U.S. GOVERNMENT'S LEGAL AND POLITICAL OBJECTIONS TO ITS ACTIVITIES.

PRO.

RESTATES OUR OPPOSITION TO ISRAELI DRILLING AT A VERY HIGH LEVEL.

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PERMITS A GENERALLY AFFIRMATIVE RESPONSE TO SADAT'S CONCERNS.

CON.

WILL PROBABLY HAVE NO PRACTICAL EFFECT ON ISRAEL'S DRILLING PROGRAM.

COULD COMPROMISE OUR CREDIBILITY WITH SADAT.

OPTION TWO.

PRESENT TO THE ISRAELIS OUR LEGAL MEMORANDUM AND URGE THEM IN STRONG TERMS TO CALL A HALT TO THEIR EXPLORATION ACTIVITIES, NOT ONLY ON THE GROUNDS THAT THEY ARE VIOLATING INTERNATIONAL LAW AND INFRINGING ON LEGITIMATE AMERICAN CONCESSIONS, BUT ALSO BECAUSE IT IS PROVOCATIVE TO THE EGYPTIANS AND DETRIMENTAL TO THE CLIMATE FOR SERIOUS NEGOTIATIONS. INFORM ISRAEL THAT WE HAVE ADVISED A NUMBER OF AMERICAN FIRMS AGAINST PARTICIPATING IN ISRAELI EXPLORATION ACTIVITIES AND THAT WE WILL CONTINUE TO DO SO IN STILL STRONGER TERMS. ADVISE ISRAEL THAT WE WOULD CONSIDER JOINING AMOCO AS AN AMICUS CURIAE IF AMOCO SUES ONE OF THE AMERICAN FIRMS INFRINGING ITS EGYPTIAN CONCESSIONS UNDER ISRAELI SPONSORSHIP, AND TAKING PUBLIC ISSUE WITH ISRAEL. THREATEN THE POSSIBILITY OF DEDUCTING FROM OUR AID TO ISRAEL THE VALUE OF ANY OIL EXTRACTED FROM WELLS DRILLED IN THE OCCUPIED TERRITORIES. ADDITIONALLY, YOU COULD REMIND ISRAEL OF THE POSSIBILITY OF OUR DEDUCTING FROM OUR ASSISTANCE AN AMOUNT EQUIVALENT TO MONEY SPENT BY ISRAEL ON OIL EXPLORATION ACTIVITIES IN THE TERRITORIES.

PRO.

DEMONSTRATES TO SADAT, FOR THE TIME BEING, THAT WE SHARE HIS CONCERN AND THAT WE ARE PREPARED TO ACT ON IT BY USING LEVERAGE AGAINST ISRAEL, THUS REDUCING PRESSURE ON HIM TO TAKE RASH ACTION.

ELIMINATES ANY AMBIGUITY IN ISRAEL'S MIND ABOUT OUR POSITION. MIGHT ALSO SUPPORT THOSE FORCES IN THE ISRAELI

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GOVERNMENT WHO HAVE ADVOCATED FLEXIBILITY IN DEALING WITH THE AMOCO PROBLEM.

MAKES IT MORE DIFFICULT FOR ISRAEL TO ATTRACT THE NECESSARY CAPITAL AND TECHNOLOGY FOR MAJOR NEW EXPLORATION, HAMPERING EXPANSION OF THEIR DRILLING PROGRAM.

CON.

WILL INJECT A NEGATIVE FACTOR IN U.S.-ISRAELI RELATIONS ON THE EVE OF THE TAKEOVER BY THE NEXT U.S. ADMINISTRATION.

WILL IN ALL LIKELIHOOD NOT SUFFICE TO HALT ISRAELI EXPLORATION ACTIVITIES AND THUS MIGHT NOT BE ADEQUATE TO CONVINCE SADAT THAT WE TAKE HIS CONCERN SERIOUSLY.

INVOLVES THREATS THAT ONLY THE NEXT ADMINISTRATION CAN CARRY THROUGH.

5. RECOMMENDATIONS.

THAT YOU AUTHORIZE US TO TRANSMIT THE RESPONSE TO SADAT AT ATTACHMENT 1 TO THE WHITE HOUSE, RECOMMENDING THAT THE PRESIDENT SIGN IT.

APPROVE DISAPPROVE

THAT YOU AGREE IN PRINCIPLE TO GIVE DINITZ OUR LEGAL MEMORANDUM AND THAT YOU REITERATE TO HIM OUR OPPOSITION TO ISRAELI EXPLORATION FOR AND EXPLOITATION OF NEW OIL RESOURCES IN OCCUPIED TERRITORIES. IF YOU APPROVE, WE ARE HOLDING THE LENGTHY MEMO FOR YOUR REVIEW UPON YOUR RETURN. ALSO, THAT NEA ADVISE MONCRIEF OF OUR POSITION. (OPTION ONE: NEA AND L RECOMMEND.)

APPROVE DISAPPROVE

6ATTACHMENT 1: TEXT OF PROPOSED RESPONSE TO SADAT.

DEAR MR. PRESIDENT:

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I APPRECIATE YOUR LETTER OF NOVEMBER 23, SHARING WITH ME YOUR CONCERN ABOUT THE INTENTIONS OF ISRAEL TO EXPLORE FOR OIL IN THE PORTION OF THE GULF OF SUEZ OVER WHICH ISRAEL ASSERTS CONTROL. IT IS A CONCERN THAT WE SHARE. THERE IS NO DOUBT IN OUR MINDS THAT SUCH ACTIVITY IS CONTRARY TO

INTERNATIONAL LAW AND PRACTICE, AND WE HAVE MADE OUR LEGAL POSITION KNOWN DIRECTLY TO THE ISRAELI GOVERNMENT. WE HAVE, MOREOVER, RESPONDED IN THE SAME VEIN TO INQUIRIES FROM AMERICAN FIRMS THAT HAD BEEN CONSIDERING PARTICIPATION IN SUCH ACTIVITIES. I BELIEVE THIS HAS HAD THE EFFECT OF DETERRING SUCH PARTICIPATION ON THE PART OF SOME FIRMS AND SLOWING THE PACE OF ISRAELI ACTIVITIES IN THE GULF. NEVERTHELESS, THESE ACTIVITIES ARE CONTINUING AND WE AGREE THAT THEY ARE A SOURCE OF FRICTION AND A POTENTIAL DANGER TO STABILITY IN THE AREA. WE INTEND TO TAKE UP THIS ISSUE WITH ISRAEL AGAIN AND TO REITERATE OUR OPPOSITION TO ITS CONTINUING EXPLORATION ACTIVITIES AND OUR VIEW OF THE POTENTIAL CONSEQUENCES. WE ALSO WILL CONTINUE TO OPPOSE ANY INVOLVEMENT BY AMERICAN FIRMS IN THESE ACTIVITIES.

AT THE SAME TIME, MR. PRESIDENT, WE MUST VIEW THIS ISSUE IN THE PERSPECTIVE OF OUR ULTIMATE GOAL OF A GENERAL SETTLEMENT OF THE MIDDLE EAST CONFLICT. AS YOU HAVE YOURSELF SO WISELY POINTED OUT IN RECENT WEEKS, TRUE PEACE IS ULTIMATELY THE ONLY SOLUTION TO THE MANY POINTS OF CONTENTION BETWEEN THE ARABS AND ISRAEL. WHILE WE CAN NOT IGNORE IMMEDIATE PROBLEMS SUCH AS ISRAELI OIL EXPLORATION IN THE GULF, NEITHER SHOULD WE, I BELIEVE, ALLOW SUCH ISSUES TO DIVERT US FROM OUR ULTIMATE OBJECTIVE. I BELIEVE THERE IS NOW A GREATER DESIRE FOR PEACE AMONG ALL THE PARTIES THAN AT ANY TIME IN THE LONG AND TRAGIC HISTORY OF THIS CONFLICT

THE UNITED STATES WILL CONTINUE TO ACT WITH VIGOR AND DETERMINATION TO PROMOTE AND HASTEN THIS PROCESS. WE WILL, I ASSURE YOU, MAKE CLEAR TO THE GOVERNMENT OF ISRAEL OUR BELIEF THAT ITS OIL EXPLORATION ACTIVITIES IN OCCUPIED TERRITORY ARE DISRUPTIVE OF THIS PROCESS AND DETRIMENTAL TO THE ACHIEVEMENT OF THE PEACE THAT I AM CONVINCED IT SINCERELY WANTS.

HIS EXCELLENCY
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ANWAR AL-SADAT,
PRESIDENT OF THE ARAB REPUBLIC OF EGYPT,
CAIRO.

I AM DEEPLY APPRECIATIVE OF THE RESTRAINT AND STATESMANSHIP WITH WHICH YOU HAVE DEALT WITH THIS PROBLEM AND I HOPE SINCERELY THAT THE ISSUE CAN BE RESOLVED SATISFACTORILY.

SINCERELY,

GERALD R. FORD

7. ATTACHMENT 2: TEXT OF SADAT'S LETTER TO PRESIDENT FORD

OF NOVEMBER 23.

FOR S:COLLUMS - CAIRO 16203 CONTAINING THIS TEXT IS IN THE
MIDDLE EAST COMMUNICATIONS BOOK, UNDER EGYPT - I. AMOCO.

8. DRAFTED:NEA/IAI:GDKULICK:DF
CLEARED:NEA:ALATHERTON, JR./ L:MLEIGH
S:DPASSAGE SESTEINER
ROBINSON

SECRET

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